

## AMENDMENTS

1994—Subsec. (a). Pub. L. 103-325, §315(3), redesignated existing provisions as par. (1), inserted heading, redesignated former pars. (1) to (3) as subpars. (A) to (C) of par. (1), and added par. (2).

Subsecs. (b) to (f). Pub. L. 103-325, §315(1), (2), added subsec. (b) and redesignated former subsecs. (b) to (e) as (c) to (f), respectively.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3337 of this title.

**§ 3352. Emergency exceptions for disaster areas****(a) In general**

Each Federal financial institutions regulatory agency may, by regulation or order, make exceptions to this chapter, and to standards prescribed pursuant to this chapter, for transactions involving institutions for which the agency is the primary Federal regulator with respect to real property located within a disaster area if the agency—

(1) makes the exception not later than 30 months after the date on which the President determines, pursuant to section 5170 of title 42, that a major disaster exists in the area; and

(2) determines that the exception—

(A) would facilitate recovery from the major disaster; and

(B) is consistent with safety and soundness.

**(b) 3-year limit on exceptions**

Any exception made under this section shall expire not later than 3 years after the date of the determination referred to in subsection (a)(1) of this section.

**(c) Publication required**

Any Federal financial institutions regulatory agency shall publish in the Federal Register a statement that—

(1) describes any exception made under this section; and

(2) explains how the exception—

(A) would facilitate recovery from the major disaster; and

(B) is consistent with safety and soundness.

**(d) “Disaster area” defined**

For purposes of this section, the term “disaster area” means an area in which the President, pursuant to section 5170 of title 42, has determined that a major disaster exists.

(Pub. L. 101-73, title IX, §1123, as added Pub. L. 102-485, §2, Oct. 23, 1992, 106 Stat. 2771.)

**CHAPTER 35—RIGHT TO FINANCIAL  
PRIVACY**

Sec.

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3410.

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(a) Filing of motion to quash or application to enjoin; proper court; contents.

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(d) Appeals.

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3411.

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3412.

Use of information.

(a) Transfer of financial records to other agencies or departments; certification.

(b) Mailing of copy of certification and notice to customer.

(c) Court-ordered delays in mailing.

(d) Exchanges of examination reports by supervisory agencies; transfer of financial records to defend customer action; withholding of information.

(e) Exchange of records, reports, or other information.

(f) Transfer to Attorney General or Secretary of the Treasury.

3413.

Exceptions.

(a) Disclosure of financial records not identified with particular customers.

(b) Disclosure to, or examination by, supervisory agency pursuant to exercise of supervisory, regulatory, or monetary functions with respect to financial institutions, holding companies, subsidiaries, institution-affiliated parties, or other persons.

(c) Disclosure pursuant to title 26.

(d) Disclosure pursuant to Federal statute or rule promulgated thereunder.

(e) Disclosure pursuant to Federal Rules of Criminal Procedure or comparable rules of other courts.

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- (f) Disclosure pursuant to administrative subpoena issued by administrative law judge.
  - (g) Disclosure pursuant to legitimate law enforcement inquiry respecting name, address, account number, and type of account of particular customers.
  - (h) Disclosure pursuant to lawful proceeding, investigation, etc., directed at financial institution or legal entity or consideration or administration respecting Government loans, loan guarantees, etc.
  - (i) Disclosure pursuant to issuance of subpoena or court order respecting grand jury proceeding.
  - (j) Disclosure pursuant to proceeding, investigation, etc., instituted by General Accounting Office and directed at a government authority.
  - (k) Disclosure necessary for proper administration of programs of withholding taxes on nonresident aliens, Federal Old-Age, Survivors, and Disability Insurance Benefits, and Railroad Retirement Act Benefits.
  - (l) Crimes against financial institutions by insiders.
  - (m) Disclosure to, or examination by, employees or agents of Board of Governors of Federal Reserve System or Federal Reserve Bank.
  - (n) Disclosure to, or examination by, Resolution Trust Corporation or its employees or agents.
  - (o) Disclosure to, or examination by, Federal Housing Finance Board or Federal home loan banks.
  - (p) Access to information necessary for administration of certain veteran benefits laws.
  - (q) Disclosure pursuant to Federal contractor-issued travel charge card.
3414. Special procedures.
3415. Cost reimbursement.
3416. Jurisdiction.
3417. Civil penalties.
- (a) Liability of agencies or departments of United States or financial institutions.
  - (b) Disciplinary action for willful or intentional violation of chapter by agents or employees of department or agency.
  - (c) Good faith defense.
  - (d) Exclusive judicial remedies and sanctions.
3418. Injunctive relief.
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3420. Grand jury information; notification of certain persons prohibited.
3421. Repealed.
3422. Applicability to Securities and Exchange Commission.

## CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 15 sections 78u, 78x, 6802; title 38 section 5319; title 42 section 1383; title 50 section 436.

## § 3401. Definitions

For the purpose of this chapter, the term—

(1) “financial institution” means any office of a bank, savings bank, card issuer as defined in section 1602(n) of title 15, industrial loan company, trust company, savings association,

building and loan, or homestead association (including cooperative banks), credit union, or consumer finance institution, located in any State or territory of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, or the Virgin Islands;

(2) “financial record” means an original of, a copy of, or information known to have been derived from, any record held by a financial institution pertaining to a customer’s relationship with the financial institution;

(3) “Government authority” means any agency or department of the United States, or any officer, employee, or agent thereof;

(4) “person” means an individual or a partnership of five or fewer individuals;

(5) “customer” means any person or authorized representative of that person who utilized or is utilizing any service of a financial institution, or for whom a financial institution is acting or has acted as a fiduciary, in relation to an account maintained in the person’s name;

(6) “holding company” means—

(A) any bank holding company (as defined in section 1841 of this title);

(B) any company described in section 1843(f)(1) of this title; and

(C) any savings and loan holding company (as defined in the Home Owners’ Loan Act [12 U.S.C. 1461 et seq.]);

(7) “supervisory agency” means with respect to any particular financial institution, holding company, or any subsidiary of a financial institution or holding company, any of the following which has statutory authority to examine the financial condition, business operations, or records or transactions of that institution, holding company, or subsidiary—

(A) the Federal Deposit Insurance Corporation;

(B) Director,<sup>1</sup> Office of Thrift Supervision;

(C) the National Credit Union Administration;

(D) the Board of Governors of the Federal Reserve System;

(E) the Comptroller of the Currency;

(F) the Securities and Exchange Commission;

(G) the Commodity Futures Trading Commission;

(H) the Secretary of the Treasury, with respect to the Bank Secrecy Act (Public Law 91-508, title I) [12 U.S.C. 1951 et seq.] and subchapter II of chapter 53 of title 31; or

(I) any State banking or securities department or agency; and

(8) “law enforcement inquiry” means a lawful investigation or official proceeding inquiring into a violation of, or failure to comply with, any criminal or civil statute or any regulation, rule, or order issued pursuant thereto.

(Pub. L. 95-630, title XI, § 1101, Nov. 10, 1978, 92 Stat. 3697; Pub. L. 101-73, title VII, § 744(b), title IX, § 941, Aug. 9, 1989, 103 Stat. 438, 496; Pub. L. 101-647, title XXV, § 2596(c), Nov. 29, 1990, 104 Stat. 4908; Pub. L. 106-102, title VII, § 727(b)(1), Nov. 12, 1999, 113 Stat. 1475.)

<sup>1</sup> So in original. Probably should be “the Director,”.